

BEFORE THE MISSOURI REAL ESTATE COMMISSION

MISSOURI REAL ESTATE COMMISSION)	
)	
Petitioner,)	
)	
v.)	No. 11-1910 RE
)	
)	
ERIC S. TURNER,)	
)	
Respondent.)	

ORDER OF THE MISSOURI REAL ESTATE COMMISSION
DISCIPLINING THE REAL ESTATE LICENSE OF
ERIC S. TURNER

On or about November 18, 2011, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Real Estate Commission v. Eric S. Turner, No. 11-1910 RE*. In that Decision, the Administrative Hearing Commission found that Respondent Eric S. Turner's real estate license (license no. 1999010435) is subject to disciplinary action by the Missouri Real Estate Commission ("Commission") pursuant to § 339.100.2 (15), (16), and (19), RSMo.¹

The Commission has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 339.100.3, RSMo, the Commission held a hearing on February 15, 2012, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Respondent's license. All of the members of the Commission, with the exception of

¹ All statutory references are to the Revised Statutes of Missouri, as amended, unless otherwise indicated.

Doris Carlin, were present throughout the meeting. Jan Hunt, Twila Hillme, and Charles Davis participated through conference call. Further, each member of this Commission that was present for the hearing has read the Default Decision of the Administrative Hearing Commission. The Commission was represented by Assistant Attorney General Daniel Jacob. Respondent was not present and was not represented by counsel. After being present and considering all of the evidence presented during the hearing, the Commission issues the following Findings of Facts, Conclusions of Law and Order.

Based upon the foregoing the Commission hereby states:

I.

FINDINGS OF FACT

1. The Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo, for the purpose of licensing all persons engaged in the practice as a real estate broker or salesperson in this state. The Commission has control and supervision of the licensed occupations and enforcement of the terms and provisions of Sections 339.010-339.205 and 339.710-339.855, RSMo.

2. The Commission hereby adopts and incorporates by reference the Default Decision and record of the Administrative Hearing Commission in *Missouri Real Estate Commission v. Eric S. Turner, Case No. 11-1910 RE*, in its entirety and takes official notice thereof.

3. The Commission admitted into evidence the complaint filed by the Commission before the Administrative Hearing Commission in *Case No. 11-1910 RE* and upon which the Default Decision of the Administrative Hearing Commission was based. The Commission adopts, as findings of fact, the allegations set forth in this complaint.

4. The Commission set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion.

5. This Commission licensed Respondent Eric S. Turner as a real estate broker, license number 1999010435. Respondent's license was current at all times relevant to this proceeding.

II.

CONCLUSIONS OF LAW

6. This Commission has jurisdiction over this proceeding pursuant to §§ 621.110 and 339.100, RSMo.

7. The Commission expressly adopts and incorporates by reference the Default Decision issued by the Administrative Hearing Commission dated November 18, 2011, in *Missouri Real Estate Commission v Eric S. Turner, Case No. 11-1910 RE*, takes official notice thereof, and hereby enters its Conclusions of Law consistent therewith.

8. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Default Decision dated November 18, 2011, Respondent's real estate license is subject to disciplinary action by the Commission pursuant to § 339.100.2 (15), (16), and (19, RSMo.

9. The Commission has determined that this Order is necessary to ensure the protection of the public.

III.

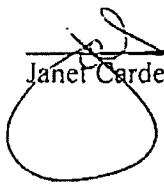
ORDER

Having fully considered all the evidence before the Commission, and giving full weight to the Decision of the Administrative Hearing Commission, it is the **ORDER** of the Commission that the real estate license of Eric S. Turner (license no. 1999010435) is hereby REVOKED. All evidence of Respondent's licensure shall be returned to the Commission within 30 days of this Order along with a Closing of a Real Estate Brokerage/Sole Proprietorship form.

The Commission will maintain this Order as an open, public record of the Commission as provided in Chapters 339, 610, and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 23 DAY OF February, 2012.

MISSOURI REAL ESTATE COMMISSION



Janet Carder, Executive Director

Before the
Administrative Hearing Commission
State of Missouri



MISSOURI REAL ESTATE
COMMISSION,

Petitioner,

vs.

ERIC S. TURNER,

Respondent.

No. 11-1910 RE

DEFAULT DECISION

On September 23, 2011, the Missouri Real Estate Commission ("MREC") filed a properly pled complaint seeking to discipline Eric S. Turner. We served Turner with a copy of the complaint and our notice of complaint/notice of hearing by certified mail on or about October 3, 2011.

More than thirty days have elapsed since Turner was served. Turner has not filed an answer or otherwise responded to the complaint. On November 16, 2011, we received correspondence from the MREC that we treat as a motion to enter a default decision.

In accordance with § 621.100.2,¹ we enter a default decision against Turner establishing the MREC has cause to discipline Turner under § 339.100.2(15), (16) and (19), RSMo Supp. 2010. This default decision shall become final and will not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on November 18, 2011.

SREENIVASA RAO DANDAMUDI
Commissioner

¹RSMo 2000, as amended by H.B. No. 265, effective August 28, 2011.

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED

SEP 23 2011

MISSOURI REAL ESTATE COMMISSION
3605 Missouri Blvd.
P.O. Box 1339
Jefferson City, Missouri 65102-1339,

Petitioner,

v.

ERIC S. TURNER
409 Washington St.
Chillicothe, MO 64601
(660) 646-6688,

Respondent.

ADMINISTRATIVE HEARING
COMMISSION

No. 11-1910 RE

COMPLAINT

Petitioner, the Missouri Real Estate Commission ("MREC"), by and through the undersigned counsel, and for its cause of action against Respondent Eric S. Turner states:

1. The MREC is an agency of the State of Missouri created and existing pursuant to § 339.120, RSMo,¹ for the purpose of executing and enforcing the provisions of §§ 339.010 to 339.180 and §§ 339.710 to 339.860, RSMo (as amended), relating to real estate salespersons and brokers.

¹All statutory citations are to the Revised Statutes of Missouri 2000, unless otherwise noted.

2. Eric S. Turner holds a license as a real estate broker, no. 1999010435. Turner's license was at all relevant times current and active until suspended on October 30, 2010.
3. At all times relevant to this action, Turner's address registered with the MREC was 409 Washington, PO Box 783, Chillicothe, MO 64601.
4. On August 12, 2010, the MREC sent a letter by both certified and regular mail to Turner's last registered address with the MREC informing him that the MREC had been notified that he was not in compliance with section 324.010 RSMo, and that his license would be suspended by operation of law on October 30, 2010, unless he resolved the noncompliance issue with the Department of Revenue.
5. On or about November 9, 2010, the MREC sent another letter to Turner by both certified and regular mail to his last address registered with the MREC informing him that his real estate broker license was suspended by operation of law for failing to comply with section 324.010 RSMo. The November 9th letter informed Turner that he must return his license to the MREC within ten (10) days from the date of the correspondence and close his brokerage.
6. On January 12, 2011, the MREC sent another letter by both certified and regular mail to Turner to his last address registered with the MREC informing him that failure to provide a response to the MREC's correspondence violated 20 CSR 2250-8.170(1), and providing him another 30 days within which to return his license and close his brokerage.
7. Turner did not respond in writing to the MREC's written requests.

8. Section 324.010, RSMo Supp. 2010, states in part:

All governmental entities issuing professional licenses, certificates, registrations, or permits pursuant to . . . chapters 324 to 346, RSMo, shall provide the director of revenue with the name and Social Security number of each applicant for licensure with or licensee of such entities within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be suspended within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. . . .

9. Because Turner has failed to respond in writing to the MREC's written requests or inquiries, Turner has violated 20 CSR 2250-8.170(1), which states:

(1) Failure of a licensee to respond in writing, within thirty (30) days from the date of the commission's written request or inquiry, mailed to the licensee's address currently registered with the commission, will be sufficient grounds for taking disciplinary action against that licensee.

10. Because Turner has failed to surrender his license, Turner has violated 20 CSR 2250-8.155(2)(A)(3), which states:

(2) Revocation/Suspension

(A) Sole-Proprietorship/Individual Broker. Upon the revocation or suspension of a broker's license, the broker shall—

* * *

(3) Notify, if the license of the broker has been suspended, all licensees associated with the firm and return all licenses held by the broker to the commission.

11. Section 339.040, RSMo, states:

Licenses shall be granted only to persons who present, and corporations, associations, partnerships, limited partnerships, limited liability companies, and professional corporations whose officers, managers, associates, general partners, or members who actively participate in such entity's brokerage, broker-salesperson, or salesperson business present, satisfactory proof to the commission that they:

- (1) Are persons of good moral character; and
- (2) Bear a good reputation for honesty, integrity, and fair dealing; and
- (3) Are competent to transact the business of a broker or salesperson in such a manner as to safeguard the interest of the public.

12. Turner's conduct, as alleged above, shows he is unable to present satisfactory proof of good moral character, a reputation for honesty, integrity, and fair dealings, and a competence to transact the business of a broker in such a manner as to safeguard the interest of the public.

13. Turner's conduct, as alleged above, constitutes untrustworthy, improper and/or fraudulent business deals and/or bad faith, incompetence, misconduct and/or gross negligence.

14. Based on Turner's conduct, as alleged above, cause exists to discipline Turner's real estate broker license pursuant to § 339.100.2(15), (16) and (19), RSMo Supp. 2010, which states:

The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621, RSMo, against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

* * *

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

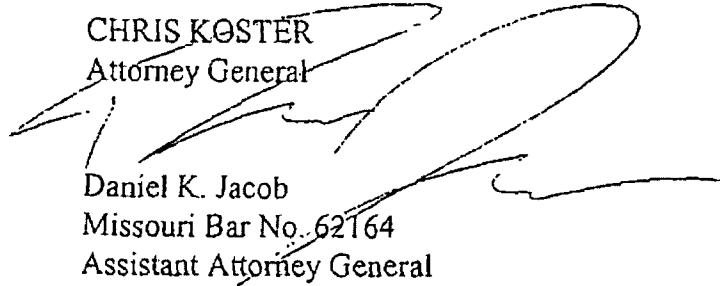
* * *

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence[.]

WHEREFORE, Petitioner respectfully requests this Commission to conduct a hearing in this cause pursuant to Chapter 621, RSMo, and thereafter to issue its findings of fact and conclusions of law determining that Petitioner may take disciplinary action against the real estate license of Eric S. Turner for violations of Chapter 339, RSMo, and the regulations promulgated thereunder, and for such other and further relief this Commission deems just and proper.

Respectfully submitted,

CHRIS KOSTER
Attorney General

A large, stylized handwritten signature in black ink, likely belonging to Daniel K. Jacob, is written over the typed name and title of Chris Koster.

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Assistant Attorney General

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